

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUDITH MOON, an individual,

Plaintiff,

V.

GMAC MORTGAGE CORPORATION,
d/b/a DITECH.COM, et al.,

Defendants.

C08-9697

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Oral argument concerning the pending motions, docket nos. 76, 83, 84, and 85, currently scheduled for September 11, 2009, is STRICKEN. The Court will decide the motions without oral argument.

(2) Plaintiff's motion, docket no. 124, to strike defendants' surreply, docket no. 121, and supporting declaration, docket no. 122, is GRANTED. Defendants' surreply constitutes an unauthorized response to a motion to strike made in plaintiff's reply brief.

(3) Plaintiff's motions, docket nos. 114 and 115, to strike the declarations of Erik Jenner, docket no. 98, and Christopher Dicicco, docket no. 100, are DENIED. Plaintiff's objection that such declarations are inconsistent with other evidence goes to the weight, not the admissibility, of the declarations.

(4) Plaintiff's motion, docket no. 103, to strike the declaration of Dennis Moore, docket no. 81, is GRANTED.

(5) Upon agreement of the parties, docket no. 133, the trial date is continued from October 13, 2009, to December 1, 2009. The pretrial conference is rescheduled to November 19, 2009, at 2:00 p.m.. An agreed pretrial order shall be submitted by November 16, 2009.

(7) Trial briefs and proposed findings of fact and conclusions of law shall be filed by November 23, 2009.

5 (8) All other deadlines stated in the Minute Order dated September 10, 2008, docket no. 42, shall remain in full force and effect.

7 (9) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

8 Filed and entered this 8th day of September, 2009.

BRUCE RIFKIN, Clerk

By _____
Claudia Hawney
Deputy Clerk